Exhibit B

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April 22, 2013

VIA EMAIL AND UPS

Robert E. Goodman, Jr.
Kilgore & Kilgore
3109 Carlisle Street
Dallas, Texas 75204

Re: *Eddingston v. UBS Financial Services, Inc.*, No. 12-422 (E.D. Tex.)
Hendricks v. UBS Financial Services, Inc., No. 12-606 (E.D. Tex.)

Dear Mr. Goodman:

I am writing with regard to plaintiffs' responses to UBS Financial Services, Inc.'s First and Second Requests for Production and First and Second Interrogatories in the above-titled matters. We do not believe that these responses demonstrate a good faith effort to answer all interrogatories posed by UBS or to produce all relevant documents requested. Rather than providing individual responses, as required, the named plaintiffs responded in rote fashion. Indeed, the vast majority of the responses given by the named plaintiffs were substantially similar, if not identical. The specific deficiencies in the responses and production are described below.

Interrogatory Answers:

Interrogatory No. 2: Each of the named plaintiffs responded identically, stating that "I am the only individual with knowledge of the underlying facts in the Amended Complaint as they apply to me." Even if this is true, the interrogatory requires the named plaintiffs to state "the facts or information" known to them and "the source of such knowledge," as well as "any documents which relate" to their knowledge regarding the facts underlying the allegations of the Amended Complaint and the subject matter of the litigation. None of the named plaintiffs set out the facts or identified relevant documents that are the subject matter of this litigation, as was incumbent on them. Please correct this omission.

In addition, several former participants of the PartnerPlus Plan are pursing claims against UBS in arbitration that are similar to those in this case. One of those proceedings is *Frisco v. UBS, Financial Services, Inc.*, FINRA Case No. 12-00074, in which the claimant is represented by an attorney who also represents some of the named plaintiffs in these actions. In response to an almost identical question asked of the claimant in that proceeding (Question No. 4), the claimant identified three people beside himself—William Finnegan, Jonathan Heller, and Louis Poulin—who potentially have information regarding the claims. That response was provided in August 2012—long before the responses of the named plaintiffs in these cases were served on April 1, 2013. On September 28, 2012, the claimant in *Frisco* supplemented his responses to name an additional six current and former UBS employees who potentially have information regarding the claims in that arbitration—Patrick Mendenhall, Lisa Cregan, Gilbert Saenz, Michael Kelly, Robert McCormick, and Rebeca Ferreira. Because of the similarity of the claims in *Frisco* and these cases, and because the same attorney is involved, please supplement the responses to Interrogatory No. 2 to indicate whether any of the named plaintiffs believe that the any of the nine current and former UBS employees listed in the *Frisco* responses have knowledge of the facts underlying the allegations in the Amended Complaint or that are the subject matter of this litigation, and, if so, what facts they are believed to possess, the source of that knowledge, and any documents related to that knowledge.

Further, plaintiff Stacey testified during deposition that he discussed the purpose of the PartnerPlus Plan with several UBS employees on multiple occasions, including with Mr. Ellspermann, who previously was a plaintiff in the *Hendricks* action, but now is pursuing arbitration against UBS for the same claims. Mr. Stacy's answer to Interrogatory No. 2 conflicts with his later deposition testimony. Please supplement the responses to Interrogatory No. 2 to clarify whether Mr. Stacy or any other named plaintiff believes that Mr. Ellspermann or any other person not yet identified has knowledge of the facts underlying the allegations in the Amended Complaint or that are the subject matter of this litigation, and, if so, what facts they are believed to possess, the source of that knowledge, and any documents related to that knowledge.

Finally, in light of the omissions identified above, please review with all named plaintiffs their responses to Interrogatory No. 2 in full, and provide supplementation as necessary.

Interrogatory No. 3: Each of the named plaintiffs identically responded to Interrogatory No. 3, stating that they "have had no discussions other than those involving other Plaintiffs in this action." These answers are deficient because they do not identify "when and where the discussion(s) or communication(s) took place," the "identity of each person present during the discussion(s) or communication(s)," or the "identity of any documents" related to the discussion(s) or communication(s), as required by the interrogatory. Please correct this omission.

Interrogatory No. 4: Each of the named plaintiffs objected to Interrogatory No. 4 on the grounds that it requests information related to the merits of the case. Because the merits of the case are implicated by the plaintiffs' defense that the Compensation Plan or Letter of

Understanding containing the waiver of any right to bring a class action constitutes an illegal amendment to an ERISA plan, that objection is not well founded.

Despite their objections, each named plaintiff with the exception of plaintiff Hendricks responded in rote fashion that they did not have any discussions with persons at UBS regarding the PartnerPlus Plan beside discussions with the other named plaintiffs. In *Frisco*, Patrick Mendenhall, Lisa Cregan, and Gilbert Saenz were all identified as persons who would testify that PartnerPlus was "touted to Financial Advisors as a vehicle to be used to accumulate wealth for retirement." In addition, as noted above, Mr. Stacy provided testimony in his deposition that contradicts his response to Interrogatory No. 4. In light of these facts, please clarify whether any named plaintiff communicated with *anyone* at UBS, orally or in writing, regarding the Plan, and if so when that communication took place, the nature of the communication, the substance of the communication, and identify any notes or documents related to the communication.

Interrogatory No. 7: Each of the named plaintiffs objected to Interrogatory No. 7 on the grounds that it requests information related to the merits of the case. Because the merits of the case are implicated by the plaintiffs' defense that the Compensation Plan or Letter of Understanding containing the waiver of the right to bring a class action constitutes an illegal amendment to an ERISA plant, that objection is not well founded.

Despite their objections, each of the named plaintiffs identically stated that "the documents relied on in support of my claim as described in the Amended Complaint are those referred to in the Amended Complaint and the document referred to in my answer to Interrogatory No. 5," which discussed "a copy of the forfeiture calculation." Although no copy of a "forfeiture calculation" was attached to any of the interrogatory responses, we assume that the document referred to in Interrogatory No. 5 is the Consolidated Statement On Demand produced for each named plaintiff. Please clarify whether this is correct. Also, please clarify whether this On Demand Statement and the documents referred to in the Amended Complaint are the *only* documents that the named plaintiffs contend support their claims at this time.

Interrogatory No. 8: Each of the named plaintiffs objected to Interrogatory No. 8 on the grounds that it requests information related to the merits of the case. Because the merits of the case are implicated by the plaintiffs' defense that the Compensation Plan or Letter of Understanding contains their waiver of the right to bring a class action constitutes an illegal amendment to an ERISA plan, that objection is not well founded.

Despite their objections, none of the named plaintiffs—including Mr. Stacy—identified any alleged admissions or declarations against interest by any UBS employee. In *Frisco*, Patrick Mendenhall, Lisa Cregan, and Gilbert Saenz were all identified as persons who would testify that PartnerPlus was "touted to Financial Advisors as a vehicle to be used to accumulate wealth for retirement." In addition, Mr. Stacy's response to this interrogatory is contradictory to his testimony at deposition, as described above. Please clarify whether any named plaintiff asserts that a UBS employee made an admission or a statement against interest, and if so identify the employee who made the statement, the date of the statement, and the content of the statement.

Interrogatory No. 11: Each of the named plaintiffs objected to Interrogatory No. 11 on the grounds that it requests information related to the merits of the case. Because the merits of the case are implicated by the plaintiffs' defense that the Compensation Plan or Letter of Understanding containing the waiver of any right to bring a class action constitutes an illegal amendment to an ERISA plan, this objection is not well founded.

Despite their objections, the named plaintiffs each responded that that dates and names of subsequent employers are available through FINRA BrokerCheck. Information for Jeff Davis, however, does not appear to be available on BrokerCheck. Further, the fact that the information is available through a third-party source does not relieve plaintiffs of the duty to respond to this interrogatory. The request is not burdensome; it requests information that is within plaintiffs' control. Moreover, the interrogatory requests information beyond what can be obtained from FINRA BrokerCheck, such as the plaintiffs' rates of pay, compensation, and other benefits, and their respective reasons for leaving UBS. This information is relevant to the claims in the case. In addition, there is a protective order in place, so any confidential information will not be disclosed. Please correct these omissions.

Interrogatory No. 12: Each of the named plaintiffs objected to Interrogatory No. 12 on the grounds that it is not relevant to the claims or defenses in this case and therefore not likely to lead to admissible evidence. Contrary to this objection, the circumstances surrounding plaintiffs' departure from UBS are relevant to these cases. Plaintiffs' objection is not well founded, and plaintiffs' failure to respond to interrogatory number twelve does not represent a good faith effort to comply with their discovery obligations. Please correct these omissions.

Requests for Production:

Request No. 11: This request asked for all documents concerning any discussions, conversations, meetings, correspondence or other communications related to the Plan, these cases, or the allegations in the Amended Complaint. In response, plaintiff Hendricks produced several redacted emails, indicating that the contents of the communications were privileged. Plaintiffs, however, have not provided a privilege log to UBS detailing the date, subject, and recipients of the communications, so that UBS may evaluate plaintiff Hendricks's assertion of privilege. Indeed, it appears from the un-redacted communications that the redacted materials may have included persons who are not represented by plaintiffs' counsel, thus destroying any privilege. UBS requests that plaintiffs provide a privilege log for all communications produced and redacted on an assertion of privilege, or any communications withheld on an assertion of privilege, by May 1, 2013.

Request No. 13: This request asked for all documents relating to the named plaintiffs' investments, personal financial planning, or retirement planning from January 1, 2006 to the present. Each of the named plaintiffs objected to request number thirteen on the grounds that it does not seek information reasonably calculated to lead to admissible evidence relevant to the claims in these cases. Plaintiffs contend that PartnerPlus is an ERISA-covered retirement plan, and that it was treated by them as such. Therefore, contrary to plaintiffs' objection, their personal financial planning, including for retirement purposes, is relevant to the claims in these cases.

Despite their objection, each of the named plaintiffs contend that they conducted a "diligent search" yet found no documents responsive to the request. It is difficult to believe that not one of the named plaintiffs—who are sophisticated financial professionals—is in possession of a single document related to their "investments, personal financial planning, or retirement planning." Please supplement the document production with the requested materials, or confirm that not one of the named plaintiffs is in possession of a single document related to their financial and/or retirement planning.

Request No. 23: This request asked for all documents related to the named plaintiffs' salary and benefits received from post-UBS employment. The named plaintiffs objected to this request on the grounds that it calls for information beyond the scope of class certification and is not reasonably calculated to lead to the discovery of admissible evidence. Because the merits of the case are implicated by plaintiffs' defense that the Compensation Plan or Letter of Understanding containing the waiver of any right to bring a class action constitutes an illegal amendment to an ERISA plan, that objection is not well founded. In addition, the circumstances surrounding plaintiffs' departure from UBS, including any post-departure compensation and benefits received from a new employer, are relevant to the claims and defenses in this case. This objection is also not well founded. Please supplement the document production with the requested materials.

Request No. 33: This request asked for all documents related to the named plaintiffs' attempts to obtain post-UBS employment. Each of the named plaintiffs objected to this request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs' post-departure attempts to obtain employment, including any compensation and/or benefits packages offered and plaintiffs' characterizations of the UBS and post-UBS compensation and/or benefits, are relevant to the claims and defenses in this case. This objection is not well founded. Please supplement the document productions with the requested materials.

Response No. 34: This request asked for all on-line or social media relating to the named plaintiffs' work at UBS or pursuit of other work in the financial industry. Each of the named plaintiffs objected to this request on the grounds that is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs' discussions—whether on-line, on social media, or otherwise—of their work in the financial industry, including any discussions of compensation and benefits, are relevant to the claims and defenses in this case. This objection is not well founded. Please supplement the document productions with the requested materials.

We ask that you correct the deficiencies in plaintiffs' responses to UBS's interrogatories and requests for production identified above by May 3, 2013, unless otherwise noted.

Sincerely,

Eugene Scalia /by MW

Eugene Scalia

cc: All counsel of record